

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

TWENTY-FIFTH LEGISLATIVE DAY
THURSDAY, JANUARY 31, 2008

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Andreason, Fulcher, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Kaitlyn Roberts, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Andreason was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 30, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Stegner was recorded present at this order of business.

January 31, 2008

The JUDICIARY AND RULES Committee reports that **S 1358**, **S 1359**, **S 1360**, and **S 1361** have been correctly printed.

DARRINGTON, Chairman

S 1358 was referred to the Finance Committee.

S 1359, **S 1360**, and **S 1361** were referred to the Transportation Committee.

January 31, 2008

The JUDICIARY AND RULES Committee reports out **S 1287**, **S 1317**, **S 1319**, and **S 1320** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1287, **S 1317**, **S 1319**, and **S 1320** were filed for second reading.

January 30, 2008

The JUDICIARY AND RULES Committee reports out **S 1318** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1318** was referred to the Fourteenth Order of Business, General Calendar.

January 30, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Linda Pike to the Board of Tax Appeals, term to expire June 30, 2008;

David Kinghorn to the Board of Tax Appeals, term to expire June 30, 2010.

HILL, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 30, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 340**, **H 341**, **H 343**, **H 344**, **H 345**, and **H 346** with the recommendation that they do pass.

HILL, Chairman

H 340, **H 341**, **H 343**, **H 344**, **H 345**, and **H 346** were filed for second reading.

January 31, 2008

The FINANCE Committee reports out **S 1358** with the recommendation that it do pass.

CAMERON, Chairman

S 1358 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

January 30, 2008

Mr. President:

I transmit herewith **H 351**, **H 354**, and **H 356** which have passed the House.

ALEXANDER, Chief Clerk

H 351, **H 354**, and **H 356** were filed for first reading.

January 30, 2008

Mr. President:

I transmit herewith Enrolled **HCR 34** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **HCR 34** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Fulcher and Pearce were recorded present at this order of business.

The President announced that **SCR 124** was before the Senate for final consideration.

Moved by Senator Hill, seconded by Senator Lodge, that **SCR 124** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **SCR 124** adopted, title was approved, and the resolution transmitted to the House.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Paul Kjellander was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McKenzie, seconded by Senator Kelly, the Gubernatorial appointment of Paul Kjellander as Administrator of the Office of Energy Resources was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SJM 109** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Goedde, seconded by Acting Senator Sagness, **SJM 109** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1362**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-915, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT CERTAIN VICTIMS BE ENGAGED IN THE PERFORMANCE OF DUTIES BEFORE A CERTAIN PUNISHMENT SHALL BE IMPOSED, TO PROVIDE CERTAIN PUNISHMENT FOR CERTAIN VIOLATIONS AGAINST THE PERSON OF SPECIFIED FORMER OR PRESENT OFFICIALS, TO PROVIDE CERTAIN PUNISHMENT BECAUSE OF THE EXERCISE OF CERTAIN OFFICIAL'S OFFICIAL DUTIES, TO PROVIDE FOR IMPOSING CERTAIN PUNISHMENT FOR CERTAIN CRIMES WITH CERTAIN KNOWLEDGE WHILE CERTAIN VICTIMS ARE ENGAGED IN THE PERFORMANCE OF DUTIES, TO PROVIDE CERTAIN PUNISHMENT FOR BATTERY AGAINST THE PERSON OF CERTAIN FORMER OR PRESENT LAW ENFORCEMENT OFFICERS, TO PROVIDE PUNISHMENT FOR BATTERY BECAUSE OF THE EXERCISE OF CERTAIN LAW ENFORCEMENT OFFICERS' OFFICIAL DUTIES, TO PROVIDE PUNISHMENT FOR BATTERY WITH CERTAIN KNOWLEDGE UPON CERTAIN LAW ENFORCEMENT OFFICERS WHILE THE VICTIM IS ENGAGED IN THE PERFORMANCE OF DUTIES AND TO MAKE TECHNICAL CORRECTIONS.

S 1362 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 351 and **H 354**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 356, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1337, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

H 342, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1338, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 373 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 373** passed, title was approved, and the bill ordered returned to the House.

H 374 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 374** passed, title was approved, and the bill ordered returned to the House.

S 1261 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1261** passed, title was approved, and the bill ordered transmitted to the House.

S 1262 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1262** passed, title was approved, and the bill ordered transmitted to the House.

S 1263 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1263** passed, title was approved, and the bill ordered transmitted to the House.

S 1265 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1265** passed, title was approved, and the bill ordered transmitted to the House.

S 1267 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1267** passed, title was approved, and the bill ordered transmitted to the House.

S 1268 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1268** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Langhorst, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11:15 a.m., Friday, February 1, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary